

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH KINNEARY,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 10/1/07

Plaintiff, :	04 Civ. 5183 (VM)
- against - :	<u>ORDER / JUDGMENT</u>
CITY OF NEW YORK, :	
Defendant. :	<u>#09/1883</u>

VICTOR MARRERO, United States District Judge.

On September 28, 2007, a unanimous eight-member jury rendered a verdict in favor of plaintiff Joseph Kinneary ("Kinneary") against defendant City of New York (the "City") on his claims of discrimination on the basis of disability in violation of the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., the New York State Human Rights Law, N.Y. Exec. Law § 296 et seq., and the New York City Human Rights Law, N.Y. Admin. Code § 8-107. The jury awarded Kinneary \$100,000 in back pay and \$125,000 in non-economic damages.

The Clerk of the Court is directed to file the jury verdict sheet in the record of this action.

SO ORDERED.

Dated: New York, New York
September 28, 2007



Victor Marrero
U.S.D.J.

**THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____**

United States District Court
Southern District of New York

Joseph Kinney

Docket No. 04cv5183 (VM)

-against-

City of New York

Judge Victor Marrero

USDJ USMJ

full title of case REQUIRED, if necessary use other side

For Plaintiff: Ambrose Waterston, Victor Antonio Dunlap

For Defendant: Patricia Miller, Cindy Stritzer

Trial (Jury) (Non-Jury) Begun : 9/4/07

(date)

Jury empaneled and sworn - 9/4/07.

9/25/07 Trial cont'd. 9/26/07 Trial continued.

9/27/07 Trial cont'd. Plaintiff dismisses claims

against Delt Tazzi. Plaintiff dismisses Rehabilitation
Act claims against all defendants. Court grants Delt's
motion to dismiss claims against Delt's Rollins & Campbell.

9/28/07 Trial cont'd. Jury finds in favor
of plaintiff in the amount of \$225,000.00.

An Extract of Minutes

Clerk Elliott Greenfield
Court Reporter Steven Greenbaum

if necessary please use other side

JOSEPH KINNEARY v. CITY OF NEW YORK
04 CV 5183

JURY VERDICT SHEET

Considering the elements in the Court's instructions with regard to liability, and weighing the parties' respective presentations of evidence, the jury answers the questions below as follows:

I. LIABILITY

A. CLAIM 1 - AMERICANS WITH DISABILITIES ACT (ADA)

With regard to plaintiff Joseph Kinneary's claim of employment discrimination, do you find that Mr. Kinneary has proven by a preponderance of the evidence that defendant City of New York is liable for discrimination on the basis of disability under the Americans with Disabilities Act (ADA)?

Yes No _____

B. CLAIM 2 - STATE HUMAN RIGHTS LAW (NYSHRL)

With regard to plaintiff Joseph Kinneary's claim of employment discrimination, do you find that Mr. Kinneary has proven by a preponderance of the evidence that defendant City of New York is liable for discrimination on the basis of disability under the New York State Human Rights Law (NYSHRL)?

Yes No _____

C. CLAIM 3 - CITY HUMAN RIGHTS LAW (NYCHRL)

With regard to plaintiff Joseph Kinneary's claim of employment discrimination, do you find that Mr. Kinneary has proven by a preponderance of the evidence that defendant City of New York is liable for discrimination on the basis of disability under the New York City Human Rights Law (NYCHRL)?

Yes No _____

II. DAMAGES

Complete this section only if you have found liability on one or more of the claims in Part I.

Considering the elements described in the Court's instructions with regard to compensatory damages in all forms set forth, what amount of such damages, if any, do you find Joseph Kinneary has proven by a preponderance of the evidence that he has suffered and that you award?

- | | |
|-----------------|-------------------|
| 1. Back Pay | \$ <u>100,000</u> |
| 2. Non-Economic | \$ <u>125,000</u> |

Foreperson's Name (Print)

Robin Garantawais

Foreperson's Signature:

John Garantawais

Date:

09.28.07